

Message Text

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ORIGIN L-03

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TO AMEMBASSY MANILA

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E.O. 11652: N/A

TAGS: PFOR, RP

SUBJECT: UNITED STATES V. LECHOCO

1. U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA (CIRCUIT JUDGES MACKINNON AND WILKEY, TOGETHER WITH VISITING DISTRICT JUDGE MERHIGE (EASTERN DISTRICT OF VIRGINIA) SITTING) HEARD ARGUMENTS ON APPEAL OF THE CONVICTION OF NAPOLEON B. LECHOCO. JACOB A. STEIN ARGUED THE CASE FOR LECHOCO. HE CITED TWO ISSUES IN HIS APPEAL; E.G., THAT THE TRIAL COURT ERRED IN (1) EXCLUDING CHARACTER TESTIMONY PROFFERED BY THE DEFENDANT WHICH WOULD HAVE "ESTABLISHED THE REPUTATION OF THE DEFENDANT FOR TRUTHFULNESS AND HONESTY AFTER THE GOVERNMENT ATTACKED THE DEFENDANT'S CREDIBILITY" (IN CROSS-EXAMINING THE DEFENSE'S PSYCHIATRIC EXPERTS) AND (2) ADMITTING THE TAPE RECORDED CONVERSATIONS BETWEEN LECHOCO AND GARY ALEXANDER (HIS ATTORNEY AT THE TIME) DURING THE NEGOTIATIONS FOR RELEASE OF THE AMBASSADOR. HEARING TOOK PLACE FEBRUARY 24.

2. DURING ORAL ARGUMENT STEIN DID NOT ADDRESS HIMSELF TO THE MATTER OF THE TAPES BUT RATHER ONLY TO THE EXCLUSION OF THE CHARACTER EVIDENCE. HE INDICATED THAT HIS "CLIENT" WISHED TO PRESERVE THE CITED ERROR IN THE DISCLOSURE OF

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ALLEGED PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS
CONTAINED IN THE TAPES. IT WAS CLEAR THAT STEIN DID
NOT WISH TO URGE THAT ARGUMENT ON THE COURT.

3. ASSISTANT U.S. ATTORNEY PETER GEORGE (APPELLATE
DIVISION OF U.S. ATTORNEY'S OFFICE FOR DISTRICT OF
COLUMBIA) ARGUED FOR THE GOVERNMENT. HE COUNTERED THE
STEIN ARGUMENTS ON THE CHARACTER ISSUE AND DID NOT
PRESS THE ATTORNEY-CLIENT ISSUE.

4. QUESTIONING BY THE COURT INDICATED SOME SYMPATHY
FOR THE GOVERNMENT'S POSITION AND U.S. ATTORNEY'S OFFICE
DOES NOT FORESEE A REVERSAL OF THE CONVICTION, WHICH
WOULD RESULT IN REMANDING THE CASE TO THE DISTRICT COURT
FOR RETRIAL. A RULING BY THE APPELLATE COURT IS NOT
EXPECTED FOR SEVERAL WEEKS (PERHAPS MONTHS). LECHOCO
REMAINS IN PRISON AT DANBURY (CONNECTICUT) FEDERAL
PENITENTIARY.

5. DEPARTMENT HAS COPY OF BOTH BRIEFS AND CAN POUCH IF
EMBASSY WISHES. COPIES WILL BE MADE AVAILABLE TO
PHILIPPINE EMBASSY IN WASHINGTON. PROSECUTING ATTORNEY
COLLINS AND ASSISTANT LEGAL ADVISER FIELDS WERE
SPECTATORS DURING APPELLATE ARGUMENTS. KISSINGER

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